

“I AM NOT A CROOK”

By Richard Schulte

In 1952, General Eisenhower chose a young Congressman from California, Richard Nixon, as his running mate. In 1960, Vice-President Nixon lost the presidential election to John Kennedy, some say due to “voting irregularities” in the City of Chicago. Not one to give up, Nixon ran for the governor of his home state in 1962. In a fit of pique after his loss in that election, Nixon uttered one of his most notable lines-“You won’t have Richard Nixon to kick around anymore.” Just 6 years later, Nixon was elected the president of the United States. In 1972, Nixon ran against George McGovern and was re-elected in a landslide. Quite a remarkable 20 year run to the top, which was followed almost immediately by his downfall.

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On November 17, 1973, Nixon spoke the immortal line for which he is perhaps most remembered-“I am not a crook.” Less than a year later, on August 8, 1974, President Nixon resigned the office of the President of the United States. In less than 2 years, Nixon went from the pinnacle of success in America to the only president to ever have resigned that office.

“I am not a crook.”

Richard Nixon, November 17, 1973

How did this happen? In a one word answer to that question, “Watergate”. The “Watergate” scandal began with an attempted burglary of the Democratic National Committee’s offices in Washington, D.C. on June 17, 1972. The bungled burglary didn’t lead to the downfall of the Nixon presidency, but the subsequent “cover-up” which followed did. Of course, there is an important lesson for all of us in this saga-“it’s not the crime that gets you, it’s the “cover-up”.

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While the history lesson is nice, what has this got to do with fire protection? Absolutely nothing, but it’s a good way to get your attention. Actually, what is of interest in this lesson are the parallels between the Nixon story and the reaction of fire protection profession to questions being raised about the profession’s use of the Fire Dynamics Simulator (FDS).

When one of the fire modeling “elites” in the profession was caught “red-handed” improperly utilizing fire models which he helped to develop, the profession’s response has been to “circle the wagons” and “stonewall”, just as the Nixon administration did in 1973 and 1974. Rather than condemn the fire modeling “elite” and ask for his resignation, the profession has just shrugged and continued merrily utilizing fire modeling without taking the time to stop to both ask and answer the questions that are being raised about fire modeling.

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“Stonewalling” cost Richard Nixon his credibility with the American people and the presidency. Will the “stonewalling” by fire protection profession cost the profession its credibility? At the very least, ignoring questions raised about the FDS will likely “taint” the profession, and, just like Nixon’s fall from grace, the “tainting” of the profession will be unnecessary. As a member of the fire protection field, my advice to the profession is to, first, admit that there are problems in the profession with respect to the use of the Fire Dynamics Simulator and, second, to tackle those problems “head-on”.

Two articles of interest in this discussion, both written by Dr. Alan Beard, have appeared in *Industrial Fire Journal*. The first article which appeared in the April 2008 issue of *Industrial Fire Journal* was titled “*Reliability of Computer Fire Model in Fire Safety Design*”, while the second article which is dated January 1, 2009 is titled “*Computer models and the limitations in fire safety design*”. A few excerpts from these two articles include the following:

“Concerns centre around the degree to which such models may or may not have the potential to represent the real world reasonably accurately and the ways in which such models may be used and results interpreted.”

“The basic message was clear: a predicted result from a model cannot be assumed to be accurate; ie to reflect the real world.”

“In a different exercise in which different users applied different deterministic models to the same case then, again, very different results were found [3]. Further, reference [4] shows significant differences found by the same user in applying two different CFD-based models to the same case.”

“As a general rule, it must be assumed that there will be errors in any complex piece of software.”

“For example, ambient humidities may vary from day to day or month to month leading to different temperatures for ostensibly identical experiments.”

Comments such as Dr. Beard’s above should certainly cause those who utilize fire modeling to pause and question how they have utilized fire modeling in the past.

(The improper use of the Fire Dynamics Simulator by Dr. Craig Beyler and Hughes Associates, Inc. has been documented in detail in other articles which appear on the Commentary webpage, so there is no need for an extensive discussion of Dr. Beyler’s transgressions here.)

In sworn testimony in 1999 in the litigation known as *Ian David McAuslin, et al v. Grinnell Corporation, et al*, Dr. Beyler stated that the LES3D model was capable of accurately and reliably predicting sprinkler activation times, total number of sprinkler activations and the effects of sprinkler spray discharge on a fire. In research on the concept of “ganged” operation of roof vents in buildings protected by a sprinkler system published on February 18, 2008, Dr. Beyler/Hughes Associates, Inc. indicated that the capability of Version 4.0 of the Fire Dynamics Simulator to accurately and reliably predict sprinkler activation times and total number of sprinkler activations was “validated”. When “called out” on these statements, Dr. Beyler and Hughes Associates, Inc. now refuse to defend their assertions on the issue of the “validation” of the fire models which Beyler used in his testimony in *McAuslin v. Grinnell Corporation* and in the “ganged” operation of roof vents.

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Dr. Beyler and Hughes Associates can’t claim ignorance of the issue of the “validation” of fire models and Dr. Beyler was aware of the need for “validation” of the capabilities of fire models in 1999 and 2008, but consciously made the decision to employ the models anyway. Now it’s time for Dr. Beyler and Hughes Associates to accept the consequences of their actions just as President Nixon accepted the consequences of his participation in the Watergate “cover up”-Nixon resigned his office.

*Similarly, Dr. Craig Beyler failed the test of his character in the *McAuslin v. Grinnell Corporation* litigation. Beyler thought that nobody would ever find out about his testimony in this litigation. Now the character of the entire fire protection profession is on trial.*

One of the quotes that you hear quite often these days is “*character is doing the right thing when nobody is looking.*” President Nixon failed the test of his character and lost what he spent 20 years of his life pursuing the presidency of the United States. Similarly, Dr. Craig Beyler failed the test of his character in the *McAuslin v. Grinnell Corporation* litigation. Beyler thought that nobody would ever find out about his testimony in this litigation. Now the character of the entire fire protection profession is on trial.

Will Dr. Beyler resign his position with Hughes Associates and make restitution to the Grinnell Corporation and the other defendants in the *McAuslin v. Grinnell Corporation* litigation?

What will the fire protection profession do with respect to fire modeling and what will the Society of Fire Protection Engineers (SFPE) do about disciplining Dr. Beyler? Will Dr. Beyler resign his position with Hughes Associates and make restitution to the Grinnell Corporation and the other defendants in the *McAuslin v. Grinnell Corporation* litigation?

Those in the profession who have “character” are waiting and watching to see how the leadership in the profession responds to this challenge.

"During times of universal deceit, telling the truth becomes a revolutionary act."
George Orwell

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